IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25233 of 2005

Between:

Cheeda Srinivasa Rao

..... PETITIONER

AND

The District Collector,

Prakasham District,

Ongole, A.P.and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in not passing orders in stay petition filed by the petitioner along with revision filed against the orders of the 2nd respondent in CS2/1182/2005, dated 29.09.2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is stated that the petitioner was appointed as a fair price shop dealer of Pothavaram village by the 3rd respondent vide proceedings dated 29.01.2005. As against the said proceedings, the 4th respondent filed an appeal before the 2nd respondent and the 2nd respondent allowed the said appeal on 29.09.2005, setting aside the proceedings of the 3rd respondent dated 29.01.2005, on the ground that a criminal case is pending against the petitioner. Aggrieved by the appellate order, the petitioner filed revision before the 1st respondent on 02.11.2005 and also filed a stay application. It is stated that the stay application has not been disposed of and to that effect, the learned counsel for the petitioner filed an affidavit before the revisional authority on 21.11.2005, stating that the revision petition and stay application are not yet posted for hearing nor passed any orders thereon.

When the revision filed on 02.11.2005 along with stay application, seeking stay of operation of the appellate order, I am of the opinion that there cannot be any justification in not passing orders on the stay application.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to pass appropriate orders on the stay application of the petitioner, which is filed along with revision petition, in accordance with law, after hearing the petitioner as well as the 4th respondent, within a period of 2 (two) weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 28.11.2005

Dsr

Note:

Issue CC in 2 days

B/o

Dsr